

REMARKS

An Office Action was mailed on June 14, 2002. Claims 1-7 are pending in the present application. Claims 4-7 were previously amended by Preliminary Amendment dated April 19, 2001.

INFORMATION DISCLOSURE STATEMENT

The Examiner failed to initial and/or consider U.S. Patent 3,113,814 cited in Applicant's IDS dated September 26, 2001. Applicant believes this was an oversight, as the Examiner attended to every other document noted in such IDS. Therefore, Applicant respectfully requests that the Examiner place his initials by U.S. Patent 3,113,814, resign the Form 1449 and return the same to the Applicant in the next official communication. In the event that the Examiner cannot locate U.S. Patent 3,113,814 in the file, Applicant is herewith enclosing a courtesy copy of such reference.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 4 and 5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Responsive thereto, Applicant has amended such claims to overcome the language and antecedent basis issues noted by the Examiner. Applicant has also amended claim 3 to rectify an antecedent basis issue.

It should be appreciated that the amendments made in response to the rejection under 35 U.S.C. §112, second paragraph constitutes cosmetic changes to the claims and are not intended to effect the scope of such claims.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

PRIOR ART REJECTIONS UNDER 35 U.S.C. §102 and §103

Claims 1-4 and 6 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wibily et al. (U.S. Patent 4,805,919). Claims 1-4 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Colanzi et al. (U.S. Patent 4,428,629).

Claims 1, 5 and 6 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bugmann (U.S. Patent 3,700,296). Claims 1, 2 and 4 are also rejected under 35 U.S.C. §102(b) as being clearly anticipated by Moorman et al. (U.S. Patent 2,830,858).

In addition, claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wibily et al., Colanzi et al. and Moorman et al. individually, and further in view of Meyer (DE 4,215,905); claims 2-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bugmann and further in view of Dreschmann et al. (U.S. Patent 4,650,195); and claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ohkuma et al. (U.S. Patent 4,309,916) in view of Wibily et al., Colanzi et al., Bugmann and Moorman et al. individually.

Applicant respectfully disagrees with the Examiner that any of the claims are taught by or rendered obvious in view of the cited art. The Manual For Patenting

Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ...claim.” (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art fails to teach the claimed invention as required by the MPEP. The claims are directed to an application of a synthetic resin seal to a bearing for a transmission. The inventor discovered through experimentation that a plastic seal is tougher against transmission oil than a rubber seal, and so has more durability. This resulted in the specific construction of the present invention. The Examiner is respectfully directed to pages 5-8 of the specification, wherein the Applicant discusses the disadvantages of using rubber and the advantages of using a synthetic resin to form a construction where it is *always possible for the peripheral edge of the seal plate to slide freely over the entire surface of an inner race or outer race as required even when the race is displaced in the axial direction* (see the paragraph bridging pages 7 and 8 in the specification).

The Examiner is also respectfully directed to pages 21-25 and Tables 1 and 2 of the specification, which discusses the Applicant's experimentation of rubber and synthetic resin as seal plate materials. None of the references cited by the Examiner teach or suggest the fact that a plastic seal is tougher against transmission oil than a rubber seal, and so has more durability. The combination of the plastic seal with the bearing for the transmission, specifically with the transmission oil was found to be very advantageous through the experiments. As noted in page 24, the claimed invention is directed to a construction so that *a rolling bearing with seal plate for use in transmission, in which the seal plate is constructed of a low cost, lightweight and reusable synthetic resin that is not readily degraded by transmission oil, is possible. As a result, the invention contributes to the improvement of the reliability of the transmission.*

Claim 1 of the present invention defines a rolling bearing with seal plate for transmission comprising: an inner race that has an outer peripheral surface formed with an inner ring raceway in an axially middle portion; an outer race that has an inner peripheral surface formed with an outer ring raceway in an axially middle portion; a plurality of rolling bodies that are rotatably located between the inner ring raceway and the outer ring raceway; and a seal plate that is made of synthetic resin and has peripheral edges such that one of the peripheral edges is attached to part of one of the inner race and outer race, while the other of the peripheral edges is made to come in sliding contact with part of the other of the inner race and outer race.

As the prior art fails to teach all elements of the claimed invention, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. §

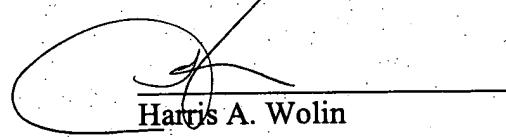
102(b). Furthermore, as claim 1 is believed to be allowable over the prior art, claims 2-7 are believed to be allowable as being dependent from an allowable base claim.

Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. §103(a).

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-7, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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MARKED-UP COPY OF AMENDED APPLICATION - 09/838,015

IN THE CLAIMS

3. (AMENDED) The rolling bearing with seal plate of Claim 2, wherein the other race is formed with shoulder sections between which the rolling bodies are held, and the cylindrical surface on which the tip edge of the at least one seal lip comes in sliding contact be a peripheral surface of the shoulder sections.

4. (TWICE AMENDED) The rolling bearing with seal plate of Claim 2, wherein the tip edge of the [second] at least one seal lip has a cross-section with reference to the axial direction substantially in a "V" shape, protruding toward the cylindrical surface, and that the apex of the tip edge comes in sliding contact all the way around the circumference with the cylindrical surface.

5. (AMENDED) The rolling bearing with seal plate of Claim 1, wherein [the one of the peripheral edges of the seal plate is attached to part of one of the inner race and outer race, and the other of the peripheral edges of the seal plate comes in sliding contact with part of the other of the inner race and outer race, and] the seal plate has a side surface on the outside in the axial direction that is inclined toward the inside in the axial direction toward the other of the [inner] peripheral edges.